

1 issue a written finding to the person and shall provide an opportunity to
2 confer. If the director subsequently determines that the failure has not
3 been corrected, the attorney general, at the request of the director, shall
4 file an action in superior court for a preliminary injunction, a permanent
5 injunction, or any other relief provided by law.

6 K. Notwithstanding subsections A and B of this section, in any
7 metropolitan area with a metropolitan statistical area population of less
8 than two hundred fifty thousand persons, the governor shall designate an
9 agency that meets the criteria of section 174 of the clean air act and that
10 is recommended by the city that causes the metropolitan area to exist and the
11 affected county. That agency shall prepare and adopt the nonattainment OR
12 MAINTENANCE area plan. If the governor does not designate an agency, the
13 department shall be certified as the agency responsible for the development
14 of a nonattainment OR MAINTENANCE area plan for that area.

15 Sec. 16. Title 49, chapter 3, article 2, Arizona Revised Statutes, is
16 amended by adding section 49-457, to read:

17 49-457. Agricultural best management practices committee;
18 members; powers; permits; definitions

19 A. A BEST MANAGEMENT PRACTICES COMMITTEE FOR REGULATED AGRICULTURAL
20 ACTIVITIES IS ESTABLISHED.

21 B. THE COMMITTEE SHALL CONSIST OF:

22 1. THE DIRECTOR OR THE DIRECTOR'S DESIGNEE.

23 2. THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE OR THE DIRECTOR'S
24 DESIGNEE.

25 3. THE DEAN OF THE COLLEGE OF AGRICULTURE OF THE UNIVERSITY OF ARIZONA
26 OR THE DEAN'S DESIGNEE.

27 4. THE STATE DIRECTOR OF THE UNITED STATES NATURAL RESOURCES
28 CONSERVATION SERVICE OR THE DIRECTOR'S DESIGNEE.

29 5. ONE PERSON ACTIVELY ENGAGED IN THE PRODUCTION OF CITRUS.

30 6. ONE PERSON ACTIVELY ENGAGED IN THE PRODUCTION OF VEGETABLES.

31 7. ONE PERSON ACTIVELY ENGAGED IN THE PRODUCTION OF COTTON.

32 8. ONE PERSON ACTIVELY ENGAGED IN THE PRODUCTION OF ALFALFA.

33 9. ONE PERSON ACTIVELY ENGAGED IN THE PRODUCTION OF GRAIN.

34 10. ONE SOIL TAXONOMIST FROM THE UNIVERSITY OF ARIZONA COLLEGE OF
35 AGRICULTURE.

36 C. THE GOVERNOR SHALL APPOINT THE MEMBERS DESIGNATED PURSUANT TO
37 SUBSECTION A, PARAGRAPHS 5 THROUGH 10 OF THIS SECTION FOR A TERM OF SIX
38 YEARS. MEMBERS MAY BE REAPPOINTED. MEMBERS ARE NOT ENTITLED TO COMPENSATION
39 FOR THEIR SERVICES BUT ARE ENTITLED TO RECEIVE REIMBURSEMENT OF EXPENSES
40 PURSUANT TO SECTION 38-611, SUBSECTION D.

41 D. THE COMMITTEE SHALL ELECT A CHAIRMAN FROM THE APPOINTED MEMBERS TO
42 SERVE A TWO YEAR TERM.

43 E. THE COMMITTEE SHALL MEET AT THE CALL OF THE CHAIRMAN OR AT THE
44 REQUEST OF A MAJORITY OF THE APPOINTED MEMBERS.

1 F. THE DEPARTMENT OF ENVIRONMENTAL QUALITY, THE DEPARTMENT OF
2 AGRICULTURE AND THE COLLEGE OF AGRICULTURE OF THE UNIVERSITY OF ARIZONA SHALL
3 COOPERATE WITH AND PROVIDE TECHNICAL ASSISTANCE AND ANY NECESSARY INFORMATION
4 TO THE COMMITTEE. THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL PROVIDE THE
5 NECESSARY STAFF SUPPORT AND MEETING FACILITIES FOR THE COMMITTEE.

6 G. NOTWITHSTANDING SUBSECTIONS I, J AND K OF THIS SECTION, A PERSON
7 ENGAGED IN A REGULATED AGRICULTURAL ACTIVITY ON THE EFFECTIVE DATE OF THIS
8 ACT SHALL COMPLY WITH THE GENERAL PERMIT AS PROVIDED IN SUBSECTION H OF THIS
9 SECTION BY DECEMBER 31, 2001. A PERSON WHO COMMENCES A REGULATED
10 AGRICULTURAL ACTIVITY AFTER DECEMBER 31, 2000, SHALL COMPLY WITH THE GENERAL
11 PERMIT WITHIN EIGHTEEN MONTHS OF COMMENCING THE ACTIVITY.

12 H. BY JUNE 10, 2000, THE COMMITTEE SHALL ADOPT, BY RULE, AN
13 AGRICULTURAL GENERAL PERMIT SPECIFYING BEST MANAGEMENT PRACTICES FOR
14 REGULATED AGRICULTURAL ACTIVITIES TO REDUCE PM-10 PARTICULATE EMISSIONS. A
15 PERSON SUBJECT TO AN AGRICULTURAL GENERAL PERMIT PURSUANT TO THIS SECTION IS
16 NOT SUBJECT TO A PERMIT ISSUED PURSUANT TO SECTION 49-426 EXCEPT AS PROVIDED
17 IN SUBSECTION K OF THIS SECTION. THE COMMITTEE SHALL ADOPT BY RULE A LIST
18 OF BEST MANAGEMENT PRACTICES, AT LEAST ONE OF WHICH SHALL BE USED TO
19 DEMONSTRATE COMPLIANCE WITH APPLICABLE PROVISIONS OF THE GENERAL PERMIT NO
20 LATER THAN DECEMBER 31, 2001. BEST MANAGEMENT PRACTICES MAY VARY WITHIN THE
21 MARICOPA PM-10 PARTICULATE NONATTAINMENT AREA ACCORDING TO REGIONAL OR
22 GEOGRAPHICAL CONDITIONS OR CROPPING PATTERNS. THE DIRECTOR SHALL SUBMIT THE
23 RULE TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AS A REVISION TO
24 THE APPLICABLE IMPLEMENTATION PLAN WITHIN SIXTY DAYS OF ADOPTION.

25 I. IF THE DIRECTOR DETERMINES THAT A PERSON ENGAGED IN A REGULATED
26 ACTIVITY IS NOT IN COMPLIANCE WITH THE GENERAL PERMIT, AND THAT PERSON HAS
27 NOT PREVIOUSLY BEEN SUBJECT TO A COMPLIANCE ORDER ISSUED PURSUANT TO THIS
28 SECTION, THE DIRECTOR MAY SERVE UPON THE PERSON BY CERTIFIED MAIL AN ORDER
29 REQUIRING COMPLIANCE WITH THE GENERAL PERMIT AND NOTIFYING THE PERSON OF THE
30 OPPORTUNITY FOR A HEARING PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10. THE
31 ORDER SHALL STATE WITH REASONABLE PARTICULARITY THE NATURE OF THE
32 NONCOMPLIANCE AND SHALL SPECIFY THAT THE PERSON HAS A PERIOD THAT THE
33 DIRECTOR DETERMINES IS REASONABLE, BUT IS NOT LESS THAN SIX MONTHS, TO SUBMIT
34 A PLAN TO THE SUPERVISORS OF THE NATURAL RESOURCE CONSERVATION DISTRICT IN
35 WHICH THE PERSON ENGAGES IN THE REGULATED ACTIVITY THAT SPECIFIES THE BEST
36 MANAGEMENT PRACTICES FROM AMONG THOSE ADOPTED IN RULE PURSUANT TO SUBSECTION
37 H OF THIS SECTION THAT THE PERSON WILL USE TO COMPLY WITH THE GENERAL PERMIT.

38 J. IF THE DIRECTOR DETERMINES THAT A PERSON ENGAGED IN A REGULATED
39 ACTIVITY IS NOT IN COMPLIANCE WITH THE GENERAL PERMIT, AND THAT PERSON HAS
40 PREVIOUSLY SUBMITTED A PLAN PURSUANT TO SUBSECTION I OF THIS SECTION, THE
41 DIRECTOR MAY SERVE UPON THE PERSON BY CERTIFIED MAIL AN ORDER REQUIRING
42 COMPLIANCE WITH THE GENERAL PERMIT AND NOTIFYING THE PERSON OF THE
43 OPPORTUNITY FOR A HEARING PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10. THE
44 ORDER SHALL STATE WITH REASONABLE PARTICULARITY THE NATURE OF THE

1 NONCOMPLIANCE AND SHALL SPECIFY THAT THE PERSON HAS A PERIOD THAT THE
2 DIRECTOR DETERMINES IS REASONABLE, BUT IS NOT LESS THAN SIX MONTHS, TO SUBMIT
3 A PLAN TO THE DEPARTMENT THAT SPECIFIES THE BEST MANAGEMENT PRACTICES FROM
4 AMONG THOSE ADOPTED IN RULE PURSUANT TO SUBSECTION H OF THIS SECTION THAT THE
5 PERSON WILL USE TO COMPLY WITH THE GENERAL PERMIT.

6 K. IF A PERSON FAILS TO COMPLY WITH THE PLAN SUBMITTED PURSUANT TO
7 SUBSECTION J OF THIS SECTION, THE DIRECTOR MAY REVOKE THE AGRICULTURAL
8 GENERAL PERMIT FOR THAT PERSON AND TO REQUIRE THAT THE PERSON OBTAIN AN
9 INDIVIDUAL PERMIT PURSUANT TO SECTION 49-426. A REVOCATION BECOMES EFFECTIVE
10 AFTER THE DIRECTOR HAS PROVIDED THE PERSON WITH NOTICE AND AN OPPORTUNITY FOR
11 A HEARING PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10.

12 L. THE COMMITTEE MAY PERIODICALLY REEXAMINE, EVALUATE AND MODIFY BEST
13 MANAGEMENT PRACTICES. ANY APPROVED MODIFICATIONS SHALL BE SUBMITTED TO THE
14 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AS A REVISION TO THE APPLICABLE
15 IMPLEMENTATION PLAN.

16 M. THE COMMITTEE SHALL DEVELOP AND COMMENCE AN EDUCATION PROGRAM BY
17 JUNE 10, 2000. THE EDUCATION PROGRAM SHALL BE CONDUCTED BY THE DIRECTOR OR
18 THE DIRECTOR'S DESIGNEE OR DESIGNEES.

19 N. IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

20 1. "AGRICULTURAL GENERAL PERMIT" MEANS BEST MANAGEMENT PRACTICES THAT:

21 (a) REDUCE PM-10 PARTICULATE EMISSIONS FROM TILLAGE PRACTICES AND FROM
22 HARVESTING ON A COMMERCIAL FARM.

23 (b) REDUCE PM-10 PARTICULATE EMISSIONS FROM THOSE AREAS OF A
24 COMMERCIAL FARM THAT ARE NOT NORMALLY IN CROP PRODUCTION.

25 (c) REDUCE PM-10 PARTICULATE EMISSIONS FROM THOSE AREAS OF A
26 COMMERCIAL FARM THAT ARE NORMALLY IN CROP PRODUCTION INCLUDING PRIOR TO PLANT
27 EMERGENCE AND WHEN THE LAND IS NOT IN CROP PRODUCTION.

28 2. "BEST MANAGEMENT PRACTICES" MEANS TECHNIQUES VERIFIED BY SCIENTIFIC
29 RESEARCH, THAT ON A CASE BY CASE BASIS ARE PRACTICAL, ECONOMICALLY FEASIBLE
30 AND EFFECTIVE IN REDUCING PM-10 PARTICULATE EMISSIONS FROM A REGULATED
31 AGRICULTURAL ACTIVITY.

32 3. "MARICOPA PM-10 PARTICULATE NONATTAINMENT AREA" MEANS THE PHOENIX
33 PLANNING AREA AS SET FORTH IN 40 CODE OF FEDERAL REGULATIONS PART 81.303.

34 4. "REGULATED AGRICULTURAL ACTIVITIES" MEANS COMMERCIAL FARMING
35 PRACTICES THAT MAY PRODUCE PM-10 PARTICULATE EMISSIONS WITHIN THE MARICOPA
36 PM-10 PARTICULATE NONATTAINMENT AREA.

37 5. "APPLICABLE IMPLEMENTATION PLAN" MEANS THAT TERM AS DEFINED IN 42
38 UNITED STATES CODE 7601(q).

39 ~~Sec. 17. Section 49-474.01, Arizona Revised Statutes, is amended to~~
40 ~~read:~~